

Note: This Reply was timely filed on ULS under the subject application File Nos. Also, a complimentary copy is being filed in WT Docket 10-83 in case any other party not involved in this proceeding seeks a copy in the docket.

**sBefore the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Maritime Communications/Land Mobile LLC)	DA 10-556
and Southern California Regional Rail)	WT Docket No. 10-83
Authority (“SCRAA”) Applications to Modify)	File Nos. 0004153701, 0004144435
License and Assign Spectrum for (allegedly))	File No. 0002303355 ¹
Positive Train Control Use, and to Request)	Call Sign: WQGF318
Waivers of Part 80 Rules)	

To: Office of the Secretary
Attn: Wireless Telecommunications Bureau

Reply to Oppositions to Motion to Dismiss Motion for Conditional Grant²
or in the Alternative,
Opposition to Motion for Conditional Grant

Petitioners hereby reply to the MCLM opposition (the “MCLM Opp”) and SCRRA opposition (the “SCRRA Opp”) (together, the “Oppositions”) to the D-Motion regarding the Applications and Waivers.³

Relevant Petition for Forbearance

Petitioners reference and incorporate herein their Petition for Forbearance filed with regard to

¹ Petitioners are including here the MCLM Auction No. 61 Form 601 for the reasons stated in Petitioners’ opposition to the SCRRA motion for conditional grant and since the MCLM Form 601 for Auction No. 61 resulted in the subject License and many of the facts and arguments contained herein also relate to that MCLM Form 601.

² The defined terms used herein have the same meaning they had in the Motion to Dismiss. “D-Motion” means the subject motion to dismiss referenced above.

³ Petitioners are not aware of any rule-based page limit for a reply of this type, however, if it is found to be otherwise, then Petitioners stated that this Reply should be broken into parts, each up to the maximum page limit for a reply, and each part associated with a different party of Petitioners’ such that no one of Petitioners is submitting a reply over any page limit. However, it is more efficient for Petitioners to submit one unified reply in response to the Oppositions rather than file individual replies which they could do, each up to a maximum page limit if one exists.

MCLM (and Paging Systems, Inc.) on or about January 5, 2011.⁴ A copy of the Petition for Forbearance may be obtained at the following two links: ⁵

<http://www.scribd.com/doc/46369213/Petition-for-Forbearance-Skybridge-Et-Al-Certain-Part-80-Rules->

<http://www.docstoc.com/docs/68525207/Petition-for-Forbearance-Skybridge-et-al-Certain-Part-80-rules->

The Petition for Forbearance contains relevant facts and arguments to the instant proceeding, including (1) MCLM's ongoing violation of FCC rule section 80.385(b)(1) and the two FCC orders regarding that rule, DA 09-793 and DA 10-664, that each instruct that said rule requires the site-based licensees to give Petitioners certain specific details of their alleged valid stations; and (2) various other FCC rule violations by MCLM.

No Affidavit or Declaration

The Oppositions have no affidavit or declaration under oath, thus, their denials of facts asserted in the motion must be rejected dismissed or ignored, except to the extent the Oppositions effectively admit to facts in the Petition, or give other evidence to warrant denial of the Applications.

SCRAA Opposition not Filed on ULS – Ineffective and Must be Dismissed

Thus, the MCLM Opposition is also Ineffective and Must be Dismissed

The SCRAA Opp was not filed under the Applications on ULS and is thus defective, and now untimely to re-file, and must be dismissed or disregarded on this basis alone. The Motion challenged what is clearly a license application modification request: it sought extraordinary grant of the Applications contrary to FCC rules and the Communications Act. This Motion cannot be opposed by any filing in a ECFS docket: ECFS is not a substitute for required use of ULC for licensing applications, modifications, updates under Section 1.65, and other license-

⁴ Petitioners are attempting to complete and file said Petition for Forbearance today, Jan. 5, 2011, but it may be filed soon thereafter.

⁵ These links contain both the filed Petition for Forbearance, including its various attachments, and any subsequent related materials filed with the FCC.

related filings.

Thus, since the SCRAA Opp is ineffective, the MCLM Opp is defective since there is no legally valid act of the potential assignee to the position of MCLM in the MCLM Opp: all license assignments are by agreement of the assignor and assignee, and that extends to any extraordinary request such what the Motion seek to have dismissed.

John Reardon, Again As MCLM Chief Officer:

Conflict in MCLM as to Control

Opposition Ineffective

The Petition to Deny in this case, of which the Motion is based (in response to Assignor and Assignees's special request for interim grant, in this case) showed that while Sandra Depriest alleged she had full control in MCLM and Mr. Reardon was never authorized to take officer actions (which, by legal definition and case law, include execution of contracts with outside parties) and would not be allowed to use any officer title, even. However, as shown in the Attachment hereto, and its margin notes in dark red, Mr. Reardon continues to act as the CEO of MCLM. There is an apparent power struggle or other dispute in MCLM. ⁶

Given the clear dispute, or at least directly contradictory assertions, of who is in authorized to take action in MCLM, including in the senior chief officer position, the subject

⁶ The FCC has more than ample evidence of this clear dispute in officer control of MCLM to investigate these matters. In this regard: Mr. Reardon was the CEO of Mobex before and after it was sold to MCLM, coupled with MCLM's maintaining the AMTS site-base stations it took over from Mobex (maintaining them not lawfully by actual AMTS operating stations, but by not turning them in to the FCC or cancelation): The only reasons MCLM would do that, incurring site cost when it has no customers and income (shown in its USFA Forms 499A, lack of any public information on AMTS CMRS public services, etc.) in the parts of the US where it holds the same geographic AMTS spectrum as in these site-based stations, is that MCLM has worry that it will loose the geographic license, and then be left with only the site-based stations assigned to it by Mobex. Mr. Reardon, who arraged for his company Mobex to sell those station licenses to MCLM, may have rights to them in case MCLM loses the geographic spectrum, due to unlawul action of Sandra Depriest and Donald Depriest (if Mr. Reardon was not a part of that). This may be a reason for the officer dispute in MCLM.

Opposition cannot be taken as the lawful act of MCLM—no act of that company can be taken as lawful in this situation, including the subject Applications.

Opps Basic Posture,
and Petitioners’ Reference and Incorporation

The Opps opposed the Motion, mostly by general and evasive denials and comments to the actual facts and law presented. Petitioners thus reassert here the validity of those effectively unopposed facts and arguments, and in addition, Petitioners reference and incorporate herein, the following materials from their “Motion to Dismiss, Motion for Sanctions Against Assignees, and Motion for Sanctions Against Assignee Legal Counsel” filed in the case of the MCLM assignment to Alliant, since these arose after the filing of the Motion in this case, and are relevant to the issues in the motion and opposed (at least generally) in the Opps: See said Petition to Deny, File Nos. 0004417199, 0004419431, 0004422320, and 0004422329, Call Signs: WQGF316 and WQGF317. A copy of said “Alliant Motion” is attached hereto for convenience. The facts and arguments therein that are relevant to this Motion and Reply, are those that argue against grant of the Applications (in the case of Alliant and equally in the instant case) based on “interim grant” or “waiver” or any request or theory other than what is required in Section 309 of the Communications Act and related FCC rules on deciding on assignment applications subject to a petition to deny (and related petitions for reconsideration) and further in these cases, subject to the FCC investigation of MCLM under Section 308 of the Act.

Other

The Opps demonstrate what the Motion stated: that SCRAA, its backers including the noted freight railroads, and MCLM do not seek what they pretend to ask for. This is clear by comparison. This is lack of candor and abuse of process.

Conclusion

The relief requested in this proceeding by Petitioners should be granted.

Respectfully,

Environmental LLC (formerly known as AMTS Consortium LLC), by

[Filed electronically. Signature on file.]

Warren Havens
President

Verde Systems LLC (formerly known as Telesaurus VPC LLC), by

[Filed electronically. Signature on file.]

Warren Havens
President

Intelligent Transportation & Monitoring Wireless LLC, by

[Filed electronically. Signature on file.]

Warren Havens
President

Telesaurus Holdings GB LLC, by

[Filed electronically. Signature on file.]

Warren Havens
President

Skybridge Spectrum Foundation, by

[Filed electronically. Signature on file.]

Warren Havens
President

V2G LLC

[Filed electronically. Signature on file.]

Warren Havens
President

Warren Havens, an Individual

[Filed electronically. Signature on file.]

Warren Havens

Each of Petitioners:

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Date: January 5, 2011

Declaration

I, Warren Havens, as President of Petitioners, hereby declare under penalty of perjury that the foregoing Reply to Oppositions to Motion to Dismiss, or in the Alternative, Opposition to Motion for Conditional Grant was prepared pursuant to my direction and control and that all the factual statements and representations contained herein are true and correct.

/s/ Warren Havens
[Submitted Electronically. Signature on File.]

Warren Havens

January 5, 2011

Certificate of Service

I, Warren C. Havens, certify that I have, on this 5th day of January 2011, caused to be served, by placing into the USPS mail system with first-class postage affixed, unless otherwise noted, a copy of the foregoing Reply to Oppositions to Motion to Dismiss, or in the Alternative, Opposition to Motion for Conditional Grant unless otherwise noted, to the following:⁷

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Edwin F. Kemp
President
PTC-220, LLC

⁷ The mailed copy being placed into a USPS drop-box today may not be processed by the USPS until the next business day.

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/s/ [Filed Electronically. Signature on File]

Warren Havens